UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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MARK POLLNER, M.D.

                     Plaintiff,

         -against-

UNITED HEALTHCARE INSURANCE COMPANY
d/b/a OXFORD HEALTH PLANS, LLC

                    Defendant.

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Civil Action No.:
  2:13-cv-01881(DRH)(GRB)

NOTICE OF MOTION

     PLEASE TAKE NOTICE that, upon the Declaration of Michael H. Bernstein dated April 2, 2014, and the exhibits annexed thereto, the Memorandum of Law in support, and upon all the prior pleadings and proceedings heretofore had herein, the undersigned counsel on behalf of a Defendant, United Healthcare Insurance Company d/b/a Oxford Health Plans, LLC. ("United/Oxford"), by its attorneys, Sedgwick LLP, will move this Court, on a date and at a time to be set by the Court, at the United States District Courthouse for the Eastern District Of New York, 100 Federal Plaza, Central Islip, NY 11722, for an Order pursuant to Rule 15(a), FED. R. CIV. P., granting United/Oxford leave to amend its answer to assert a counterclaim pursuant to section 502(a)(3) of the Employee Retirement and Income Security Act of 1974, as amended, 29 U.S.C. § 1001, et. seq. for equitable restitution in the amount of $17,440, and for such other, further and different relief as this Court may deem just and proper.

Dated: New York, New York
       April 2, 2014

                           SEDGWICK LLP

                           By: _s/_____
                                Michael H. Bernstein (MB 0579)
                                Matthew P. Mazzola (MM 7427)
                                Attorneys for Defendant
                                UNITED HEALTHCARE INSURANCE COMPANY d/b/a
                                OXFORD HEALTH PLANS, LLC
                                225 Liberty Street – 28th Floor
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TO: Robert A. Santucci
Attorney for Plaintiffs
110 Wall Street – 11th Floor
New York, New York 10005-3817

CERTIFICATE OF SERVICE

I, Matthew P. Mazzola, hereby certify and affirm that a true and correct copy of the attached **Notice of Motion** was served via ECF and regular mail on the 2d day of April, 2014, upon the following:

Robert A. Santucci
Attorney for Plaintiffs
110 Wall Street – 11th Floor
New York, New York 10005-3817

s/
Matthew P. Mazzola (MM-7427)